

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DETRICK DEWAYNE HARRIS**

**PLAINTIFF**

**V.**

**NO. 4:16-CV-00006-DMB-SAA**

**STATE OF MISSISSIPPI, et al.**

**DEFENDANTS**

**ORDER OF DISMISSAL**

This § 1983 pro se prisoner complaint is before the Court for a sua sponte consideration of dismissal. “Both [28 U.S.C.] § 1915(e)(2)(B)(i) and § 1915A(b)(1) direct district courts to dismiss a complaint that is frivolous.” *Thompson v. Hayes*, 542 F. App’x 420, 421 (5th Cir. 2013). Under § 1915(e)(2)(B),<sup>1</sup> “[a] complaint containing both factual allegations and legal conclusions is frivolous where it lacks an arguable basis either in law or fact.” *Alfred v. Corrections Corp. of Am.*, 437 F. App’x 281, 284 (5th Cir. 2011) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)). Under this standard, “a court may dismiss a claim ... if the facts [alleged] are ‘clearly baseless,’ ‘fanciful,’ ‘fantastic,’ or ‘delusional.’” *Id.* (quoting *Denton v. Hernandez*, 504 U.S. 25, 34 (1992)). “District courts must construe *in forma pauperis* complaints liberally, particularly in the context of dismissals under § 1915(e)(2)(B), but are given broad discretion in determining when such complaints are frivolous.” *Hines v. Graham*, 320 F.Supp.2d 511, 515 (N.D. Tex. 2004) (citing *Marcias v. Raul A. (Unknown) Badge No. 153*, 23 F.3d 94, 97 (5th Cir. 1994)).

In this case, Harris’ complaint alleges that the “Federal Government/‘Nuclear Regulatory Committee’” and prison officials have, among other things: (1) allowed an “Instrument to

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<sup>1</sup> “[W]hen reviewing a complaint for possible dismissal as frivolous under § 1915A(b)(1), a federal court applies the same legal standard as that used to dismiss claims as frivolous under § 1915(e)(2)(B)(i).” *Allen v. San Antonio Police Dep’t*, No. SA-14-CA-614, 2014 WL 4691967, at \*3 (W.D. Tex. Sep. 18, 2014) (citing *Morris v. McAllester*, 702 F.3d 187, 189 (5th Cir. 2012)).

approach [him] upon [his] left wrist area” and accuse him of offenses committed in Scott County, Mississippi, since 1993; (2) tampered with his left wrist with “nitrogen atoms” in a “cycle;” (3) placed a bar code on his wrist; and (4) tried to stop him “from receiving help for the Radiation Outbreak.” Doc. #1 at 4, 7. After carefully considering the contents of the pro se complaint and giving it the liberal construction required, the Court concludes that Harris’ allegations are clearly baseless, fanciful, fantastic, and/or delusional. Accordingly, the complaint will be **DISMISSED**. A final judgment consistent with this opinion will be entered today.

**SO ORDERED**, this 1st day of June, 2016.

/s/ Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**